

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIMOTHY COOLEEN,	)	
	)	Civil Action No. 04-63E
Plaintiff,	)	
	)	Hon. Sean McLaughlin
v.	)	U.S. District Judge
	)	
JOHN LAMANNA, <u>et al.</u> ,	)	Hon. Susan Paradise Baxter
	)	U.S. Magistrate Judge
Defendants.	)	
	)	ELECTRONICALLY FILED

**DEFENDANTS' UNCONTESTED REQUEST FOR SEVEN-DAY  
EXTENSION TO FILE RESPONSIVE PLEADING**

AND NOW, come Federal Defendants, through counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney for said district, and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully move the Court to issue an Order enlarging the time, until May 23, 2008, in which Defendants may file a responsive pleading to Plaintiff's Second Amended Complaint. In further support of this Motion, Defendants aver as follows:

1. This is a Bivens case brought by former inmate Timothy Cooleen. The case has previously been remanded by the United States Court of Appeals for further consideration regarding Plaintiff's allegations of delay and denial of certain medical treatment for a back injury sustained while in federal custody.

2. Discovery has now been completed. Pursuant to this Court's Text Order of February 1, 2008, Defendants' motion to dismiss and/or summary judgment is due on May 16, 2008.

3. Defendant is requesting an extension until May 23, 2008 (7 days), in which to file their Motion. Defendant requests this extension because he needs additional time to work with staff physician(s) to prepare a declaration and compile a more narrow group of pertinent medical documents. Additionally, undersigned counsel has discovery production responsibilities due May 16, 2008 in a separate civil action. These responsibilities include management of the review of over 4,000 e-mails.

4. This is the first extension requested by the Defendants to file their Motion. Plaintiff, Mr. Timothy Cooleen, has been contacted regarding this extension request, and he has no objection to an extension until May 23, 2008, provided that he also receives seven additional days to respond. Accordingly, this request also includes an extension of Plaintiff's response from June 16, 2008, until June 23, 2008.

WHEREFORE, Federal Defendants respectfully request that the Court issue an Order enlarging the time in which to file their Motion and Plaintiff's response. A proposed Order is attached.

Respectfully submitted,

MARY BETH BUCHANAN  
UNITED STATES ATTORNEY

s/Paul D. Kovac  
PAUL D. KOVAC  
Assistant U.S. Attorney  
Western District of Pennsylvania  
700 Grant Street, Suite 4000  
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(412) 894-7489  
Attorney for Defendants

Dated: 5-15-08

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of May, 2008, I electronically filed and served via first-class U.S. Mail, a true and correct copy of the Defendants' Uncontested Request for Seven-Day Extension to File Responsive Pleading to the following:

Mr. Timothy Cooleen  
8777 Chautauqua Road  
Fredonia, NY 14063

s/Paul D. Kovac  
PAUL D. KOVAC  
Assistant U.S. Attorney